

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC
(PETRO),

Plaintiff,

v.

ISLAND PROJECT AND OPERATING
SERVICES, LLC, VITOL US HOLDING II
CO., VITOL VIRGIN ISLANDS CORP,
ANDREW CANNING and OPTIS
EUROPE, LTD.,

Defendants.

CASE NO. 1:21-CV-00312

JURY TRIAL DEMANDED

**PLAINTIFF'S DEPOSITION PLAN AND OBJECTION TO VITOL DEFENDANTS' PLAN
AND MOTION TO EXTEND FACT DEADLINE TO JUNE 22, 2023**

COME NOW the Plaintiff by its undersigned counsel, and pursuant to the Court's Order (Docket No. 136) files this deposition plan including dates for the witnesses to be deposed pursuant to Fed. R. Civ. P. 30(b)(6).

WHEREAS, prior to the January 27, 2023 deadline, the parties sent letter notices identifying witnesses to be deposed and proposed availability as ordered; and

WHEREAS Plaintiff's counsel then went through the dates available to all Parties' counsel and identified there were only limited dates available for depositions.

On January 25, 2023, Plaintiff's counsel sent a letter to all Defendants' counsel as to what dates were available to all attorneys to schedule depositions and Plaintiff suggested a deposition schedule through July 10, 2023 which was the only way to complete all the depositions all parties wanted to take (Exhibit 1).

On February 2, 2023, Plaintiff received a letter from the IPOS Defendant's counsel proposing a deposition schedule for dates all counsel were not available and objecting to the dates as to IPOS witnesses and suggesting other dates. This included suggesting that

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IPOS and its witnesses David Smith and Merlin Figueira not being available until June 21 and 22, 2023 (Exhibit 2).

On February 2, 2023, Plaintiff received a letter from Vitol Defendants suggesting depositions be scheduled on dates all attorneys were not available and to limit depositions to one a day (Exhibit 3).

On February 2, 2023, Plaintiff responded pointing out the impossibility of scheduling only one deposition a day, given the limited number of dates to schedule depositions, and the deadline to complete them. Vitol suggested changes of dates for some VITOL witnesses which Plaintiff accommodated both IPOS and Vitol's requests for deposition date changes and sent a new deposition plan (Exhibit 4).

On February 6, 2023, Plaintiff received a letter from Vitol Defendants asking for further clarifications of the deposition schedule (Exhibit 5).

On February 10, 2023, Plaintiff responded to Vitol's requests and questions and further fine-tuned the deposition plan (Exhibit 6).

Plaintiff's counsel never heard anything further from IPOS counsel. Plaintiff never heard anything as to the schedule from Canning of OPTIS.

On February 10, 2023, late afternoon around 4:00p.m., an email was sent to Plaintiff's counsel as to a changed deposition schedule and limitations as to depositions never previously discussed. Plaintiff's counsel was tending to her stepdaughter and foster child and did not see the email until late the evening of February 10, 2023. On February 11, 2023, Plaintiff's counsel suggested minor edits to the schedule which included extending the deadline until June 22, 2023 so all depositions could be scheduled (Exhibit 7 of

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Defendants' Schedule with Plaintiff's edits).

Plaintiff received no reply and the Vitol Defendants unilaterally filed their deposition plan without further meet and confer.

Plaintiff's deposition plan is as follows:

April 28, 2023	Adrian Melendez and Petro Industrial Solutions, LLC
May 22, 2023	Chetram Persaud and David Nagle
May 23, 2023	Charlotte Horowitz and a potential 30(b)(6) Vitol Virgin Islands ¹
May 25, 2023	Sebastian Merretti and Terrence Keogh
June 14, 2023	Tom Kologinczak and 30(b)(6) Vitol Virgin Islands
June 15, 2023	30(b)(6) Vitol US Holdings II, Co.
June 16, 2023	Andrew Canning and 30(b)(6) OPTIS Europe, Ltd.
June 19, 2023	Afternoon Versa Integrity and Acuren Inspection Services
June 20, 2023	Elias Rivera and Coury Hodge
June 21, 2023	David Smith and 30(b)(6) IPOS
June 22, 2023	Merlin Figueira and 30(b)(6) IPOS

Under the Vitol Defendants plan, Plaintiff would not be able to depose Defendants Vitol US, Andrew Canning or IPOS. In fact, Vitol's plan stops on June 15, 2023 even though the current deadline is June 16, 2023. Further Defendant IPOS has specifically rejected the dates Plaintiff had suggested for its deposition and witnesses and specifically designated June 21 and 22, 2023 as dates they are available and requested their

¹ Vitol Virgin Islands has no yet received Plaintiff's 30(b)(6) notice and has indicated both Kologinczak and Horowitz may be 30(b)(6) deponents.

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depositions be scheduled then. As a result, Plaintiff moved them from an earlier spot and with the agreement of IPOS scheduled them a few days after the deadline.

Vitol's' proposed schedule allows for only one deposition a day which results in virtually no individual fact witnesses depositions being taken to be taken.

Further, even though the first deposition to be taken was not until April 28, 2022, Vitol requires all deposition notices to go out by February 21, 2023. Plaintiff's counsel is involved in hearings and mediations the entire week of February 13, 2023 and her significant other will be hospitalized in Miami from February 20, 2023 through February 24, 2023 so that unilateral deadline can't be met. Plaintiff suggests March 20, 2023 as a more reasonable date as the first fact deposition is not until April 28, 2023 and is of the Plaintiff. The next deposition is not until May 22, 2023 and the next corporate deposition is not until June 15, 2023.

Vitol also suggests that depositions may be scheduled on dates all parties are not available which would make that deposition unable to be used against the party not present. It also suggests that counsel not of record in this case and with no knowledge of the facts of the case could be required to be present at the depositions. That clearly would be prejudicial to that party.

Plaintiff had to change Charlotte Horowitz deposition and Vitol Virgin Islands deposition to June 14, 2023 from May 22, 2023 as Plaintiff's counsel will be at the Mayo Clinic in Jacksonville, Florida for a procedure.

As such, Plaintiff requests the Court to adopt the Plaintiff's deposition plan and extend the fact deposition deadline from June 16, 2023 to June 22, 2023.

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DATED: February 13, 2023

BY: /s/ Lee J. Rohn

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on February 13, 2023, I electronically filed the foregoing with the Clerk of the Court using the electronic filing system, which will send a notification of such filing to the following:

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